



THE ATTORNEY GENERAL OF TEXAS

GROVER SELLERS
~~XXXXXXXXXXXX~~
ATTORNEY GENERAL

AUSTIN 11, TEXAS

Dear Sir:

Opinion No. 0-7070

Re: Exemption and rates of tax
applicable to a city in
computing inheritance taxes.

We are in receipt of your letter of January 28, 1946, which requests the opinion of this Department as to the exemption and rate of tax applicable to Bay City, Texas, in computing inheritance taxes arising from a transaction with V. L. Le Tulle, deceased.

A close examination of the inheritance tax statutes shows that no tax is laid upon a city. A city cannot possibly come within any of the classes taxes except Class E--Foreign bequest, the applicable portion of which reads as follows:

"If passing to or for the use of the United States, to or for the use of any other person or religious, educational or charitable organization or institution, or to any other person, corporation or association not included in any of the classes mentioned in the preceding portions of the original Act known as Chapter 29 of the General Laws of the Second Called Session of the Thirty-eighth Legislature, the tax shall be: . . ."
(Emphasis ours)

Section 4, as preceding portion of the original Act, mentions and lays an inheritance tax upon cities although subsequent legislative revisions of the inheritance tax statutes resulted in the omission of cities from any of the classes taxed.

Therefore, you are advised that since a city does not come within any of the classes taxed neither the estate of V. L. Le Tulle nor the city of Bay City, Texas, is liable for any inheritance tax arising from the transaction about which you inquired.

WHE:ma/pam
APPROVED MAR 13 1946
Carlos Ashley
First Assistant
Attorney General

Yours very truly
ATTORNEY GENERAL OF TEXAS
By Woodrow H. Edwards
Assistant

THIS OPINION CONSIDERED AND APPROVED IN LIMITED CONFERENCE